

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARYLIN J. TAYLOR,
Plaintiff,
v.
SHARON FAE, *et al.*,
Defendants.

No. C10-1445 RSL

ORDER DISMISSING WITHOUT
PREJUDICE

This matter comes before the Court on plaintiff's motion to dismiss without prejudice. Dkt. # 9. Pursuant to Fed. R. Civ. P. 41(a), a plaintiff may voluntarily dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Plaintiff has filed a motion to dismiss, rather than a notice of dismissal, and there is a pending Report and Recommendation. However, defendants have not filed an answer or motion for summary judgment. Accordingly, plaintiff is entitled to a Rule 41(a) dismissal without prejudice.

For all the foregoing reasons, the clerk is ORDERED to dismiss the case without prejudice pursuant to Rule 41(a).

DATED this 30th day of September, 2010.



Robert S. Lasnik
United States District Judge